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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,265	08/05/2003	Scott Charles McCartney	16367-US	7061
30689	7590	10/05/2005	EXAMINER	
DEERE & COMPANY ONE JOHN DEERE PLACE MOLINE, IL 61265			NOVOSAD, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/634,265	<b>Applicant(s)</b> MCCARTNEY, SCOTT CHARLES	
	<b>Examiner</b> Christopher J. Novosad	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 062305.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 4 and 5 have been canceled.

#### ***Claim Rejections - 35 USC § 112***

Claims 1-3 and 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is meant by the recitation "its" in claim 1, second to last line and in claim 9, second to last line.

#### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson.

With respect to claim 1, Olson shows a seeding machine 10 comprising:

a frame 12 (Fig. 1) having a center frame section 16,26,28 (Fig. 1) and left 18,30 and right 14 (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections forwardly offset from the center frame section 16,26,28 when in a transport configuration (Fig. 2, col. 3, lines 10-13), the frame 12 having a planting configuration (Fig. 1) wherein the left 18,30 and right (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections extend transversely and parallel (Fig. 1) from the center frame section 16,26,28 and a transport

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configuration (Fig. 2, col. 3, lines 10-13) wherein the left 18,30 and right (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections extend perpendicular to the center frame section 16,26,28,

the center frame section 16,26,28 and the left 18,30 and right (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections each have a hollow toolbar 24,26,28,30,

forming a pneumatic manifold 24,26,28,30, wherein each toolbar 24,26,28,30 comprises a main toolbar (14,16,18; also shown as the members, unnumbered, below secondary toolbar 24,26,28,30 in Fig. 2) and a vertically displaced parallel secondary bar 24,26,28,30 that together form a truss wherein pneumatic manifolds 24,26,28,30 are formed in the secondary bars 24,26,28,30;

individual planting units 20 being mounted via structure, unnumbered, in Fig. 2 to the toolbars 24,26,28,30, each planting unit 20 comprising a pneumatic seed meter (col. 3, lines 34 and 35) and a furrow opener (unnumbered; Fig. 2),

the pneumatic manifold 24,26,28,30 of the center frame section 16,26,28 being pneumatically coupled to each of the left 18,30 and right (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections by a resilient bell 54,56 or 60,62,64 that forms a closed pneumatic path (Fig. 4) between the center frame section 16,26,28 and the left 18,30 and right (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections when the frame 12 is in its planting configuration (Fig. 1), the pneumatic manifolds 24,26,28,30 being pneumatically coupled to the pneumatic seed meters (col. 3, lines 34 and 35) by air hoses (unnumbered; Figs. 1 and 2).

As to claim 2, Olson shows a forwardly extending draw bar (unnumbered; Fig. 1)

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indirectly extending from the center frame section 16,26,28.

Regarding claim 3, the left 18,30 and right (col. 2, lines 20-22, misnumbered as 16 in Fig. 1),24 wing frame sections are folded forwardly from their planting configuration (Fig. 1) to their transport configuration (Fig. 2., col. 3, lines 10-13) along side the draw bar (unnumbered; Fig. 1).

With respect to claim 6, the secondary bars 24,26,28,30 are provided with a series of nipples (unnumbered; Figs. 1 and 2) corresponding to the individual planting units 20 and the air hoses (unnumbered; Figs. 1 and 2) are coupled to the nipples (unnumbered; Figs. 1 and 2).

As to claim 7, the resilient bell 54,56 or 60,62,64 has a circular rim (unnumbered).

Regarding claim 8, the toolbar 26 of the center frame section 16,26,28 is provided with left and right openings (unnumbered) and the toolbars of the left 18,30 and right (col. 2, lines 20-22; misnumbered as 16 in Fig. 1) wing frame sections are provided with the resilient bells 60,62,64.

With respect to claim 9, the openings (unnumbered) of the toolbar 26 of the center frame section 16,26,28 are provided with flat plates 54 which engage the circular rims (unnumbered) of the resilient bells 60,62,64 when the frame 12 is in its planting configuration (Fig. 1).

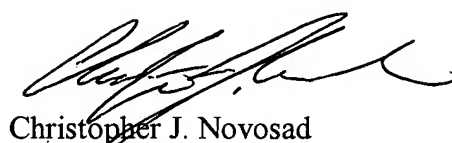
As to claim 10, vacuum pumps 32 are indirectly mounted to the wing frame sections and pneumatically coupled to the toolbars of the wing frame sections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad  
Primary Examiner  
Art Unit 3671

June 29, 2005